



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



March 17, 2004

**LETTER OF DEFICIENCY #WSEB 04-027**  
Certified Mail #7099 3400 0003 0691 0065

J.P. Sticht  
Castle Springs, LLC  
P.O. Box 131  
Moultonborough, NH 03254

Subject: Moultonborough – Public Water System: Castle in the Clouds (EPA# 1617080)

Dear J.P. Sticht:

The records of the NH Department of Environmental Services (DES) show that Castle in the Clouds water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the subject water system failed to submit the following chemical sample results for the following monitoring period (calendar quarter).

**Quarter 3 - 2003 – Nitrate and Nitrite**

As a result of the failure to submit the above-described samples, a Notice of Violation (NOV), dated **December 3, 2003**, was sent to you (copy enclosed). The NOV requested that you immediately submit the above-described samples as make-up samples. To date, DES has not received the make-up sample results, thus placing the water system in violation of Env-Ws 326.

DES believes the monitoring/reporting deficiencies can be addressed by taking the following action(s):

1. **By May 15, 2004**, submit the Nitrate and Nitrite "make-up samples" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis results form when submitting the samples to your laboratory.
2. **By May 25, 2004**, provide proof of public notice to DES for failure to submit the Third Quarter, 2003 Nitrate and Nitrite samples, as specified on the enclosed form.

The above failure to samples became a Federal Violation in addition to a State Violation as of January 1, 2004. In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to

be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**Please note that submission of the 2003 Nitrate and Nitrite “make-up samples” does not relieve you of your obligation to submit a 2004 Nitrate sample during the Third Quarter (July to September).**

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Betsey McNaughten  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

If you have any questions regarding this letter, please contact Betsey McNaughten at (603) 271-0659 or by email at [emcnaughten@des.state.nh.us](mailto:emcnaughten@des.state.nh.us).

Sincerely,

**COPY**

Rene Pelletier, P.G., Manager  
Land Resource Programs

Encls: Notice of Violation, dated December 3, 2003  
Analysis Request Form  
Public Notice Form

cc Gretchen Rule, DES Legal Unit (w/o encl.)  
Joseph Diarenzo, Sampling Agent (w/encl.)  
Town of Moultonborough Health Officer (w/o encl.)  
Jeanne D. Lawson, DES WSEB  
EPA, Region 1 (w/o encl.)  
File